



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

February 24, 2016

Steve Poplawski
Furever Friends Animal Rescue Network and Sanctuary
722 Batcave Road
Old Fort, North Carolina 28762

Notice of Warning and Notice of Deficiency

Re: Violation of Title 02, N. C. Administrative Code ("NCAC") Chapter 52J, Sections .0202 (b) and (d); .0204 (f); .0207 (a); and .0210 (b) and (c).

AWS-WL-2016-5

Shelter: Furever Friends Animal Rescue Network and Sanctuary Animal Shelter
Certification No. 88

Dear Mr. Poplawski:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") conducted a facility inspection of the Furever Friends Animal Rescue Network and Sanctuary Animal Shelter ("the shelter") on February 18, 2016. The facility inspection was marked "Disapproved" due to the number and severity of the deficiencies as reflected in the inspection report attached hereto.

At the time of the facility inspection, more than 50% of the population of animals was noted to be visibly ill. The shelter was directed to seek immediate veterinary care for four of the most severely ill animals: Fontina, Colby, Raleigh, and Trixie. The veterinary medical records for these animals were to be sent to the AWS office by 5:00 PM February 19, 2016. The shelter failed to comply with this directive.

The February 18, 2016 facility inspection revealed numerous and severe deficiencies and areas of non-compliance with the NC Animal Welfare Act and the rules promulgated thereunder. Based on the results of this inspection, as detailed in the attached inspection report, you are in violation of the following regulations:

- 1) 02 NCAC 52J .0202 (b), (d);
- 2) 02 NCAC 52J .0204 (f);

- 3) 02 NCAC 52J .0207 (a); and
- 4) 02 NCAC 52J .0210 (b) and (c).

Pursuant to N. C. General Statute §19A-30, this Warning Letter, in conjunction with the enclosed Inspection Report, serves as written notice indicting in which respects the shelter has failed to satisfy the requirements for the holding of a certificate of registration as an animal shelter.

The shelter is directed to provide the medical records for the four animals listed above. The facility is also directed to immediately obtain and follow a veterinarian's written recommendations for correcting the disease problem(s) that has persisted at the facility for more than 30 days as required by 02 NCAC 52J .0210 (b). Failure to provide the medical records and the written veterinary recommendations to the AWS office by March 7, 2016 shall be considered to be a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto.

In addition, the shelter is to correct all deficiencies described in the enclosed facility inspection within 30 days of the date of receipt of this letter. Continued or future violation of these statutes or regulations will be considered to be a willful disregard or violation of the same. Such willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's certificate of registration pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J SECTION .0200 - FACILITIES AND OPERATING STANDARDS

02 NCAC 52J .0202 INDOOR FACILITIES

(b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors and moisture condensation.

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(f) In addition to Paragraph (b) of this Rule, each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet. Not more than 12 cats shall be housed in the same primary enclosure.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984.

02 NCAC 52J .0210 VETERINARY CARE

(b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005.

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
 phone: (919) 715-7111 FAX: (919) 733-6431
 e-mail: aws.agr@ncagr.gov
 URL: www.ncaws.com

Inspection Results

Date of inspection

Disapproved

Feb 18, 2016

Type of inspection Annual inspection

Type of runs Indoor runs only

license type 40 - Private Shelter

License # 88

dogs present 0

cats present 139

Number of prim. enclosures

30

35.11961

Latitude

82.17809

Longitude

Forever Friends Animal Rescue

Name of business

Steve Poplawski

Name of owner

722 Batcave Rd

Street address

Old Fort

City

NC

28762

ZIP code

McDowell

County

+1 (828) 670-6723

Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	Not applicable
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	Acceptable	0201 Thermometer present	Acceptable	0201 Compliance with welfare	Acceptable
		0201 Animals in windows	Not applicable		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	Acceptable	Location off-site 0101	Acceptable	Disposition of animals 0101	Acceptable
0101 Descript. of animals, shelter	Acceptable			Veterinary treatment, shelter 0101	Acceptable

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	Acceptable	0103 Records match animals	Acceptable	0103 Records kept 1+ year	Acceptable

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

Disapproved

Date of inspection

Feb 18, 2016

Forever Friends Animal Rescue

Steve Poplawski

Old Fort

NC

Indoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	Acceptable	0202 Ventilation, indoor	NOT ACCEPTABLE	0202 Lighting, indoor	Acceptable
0202 Imperv./Sanitary surf., indoor	NOT ACCEPTABLE	0202 Drainage, indoor	Acceptable		

Outdoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	Not Applicable	0203 Housing, 1 per animal	Not Applicable	0203 Protection from elements	Not Applicable
0203 Owner advised, outdoor	Not Applicable	0203 Drainage, outdoor	Not Applicable		

Primary enclosures

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	Acceptable	0204 Fence height \geq 5 feet	Not Applicable	0204 1:10 ratio, person: animal	Not Applicable
0204 Surf. Impervious to moisture	Acceptable	0204 Enclosure is escape proof	Acceptable	0204 Cats, \geq 4 sq. ft. / adult	Acceptable
0204 Prevent contact with wood	Acceptable	0204 Solid resting surface	Not Applicable	0204 Cats, \leq 12 / enclosure	NOT ACCEPTABLE
0204 Enclosures in sound repair	Acceptable	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	Acceptable
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if $>$ 4	Not Applicable		

Feeding

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				

Watering

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	Acceptable	0206 Watering, bowl in good repair	Acceptable

Sanitation/Employees/Classification & Separation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	NOT ACCEPTABLE	0207 Grounds overgrown	Acceptable	0207 Young given social interact.	Acceptable
0207 Animals removed while clean	Acceptable	0207 Pest Control	Acceptable	0207 Species separated	Not Applicable

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

Disapproved

Date of inspection

Feb 18, 2016

Forever Friends Animal Rescue

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Old Fort

NC

Sanitation/Employees/Classification & Separation (continued)

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	NOT ACCEPTABLE	0207 Number of employees	Acceptable	0207 Isolation area & signage	Acceptable
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Not Applicable	0207 Long term care program	Acceptable
0207 Build./grnds., clean & repair	Acceptable	0207 Owner perm, commingling	Not Applicable	0207 Animals confined	Acceptable
		0207 Young with dam	Not Applicable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination	Acceptable
0210 Veterinary care when needed	Acceptable				

Vehicles

0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area clean	Not Applicable
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Primary Enclosure Used in Transportation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transport enclosure	Not Applicable
0302 Enclosure clean & sanitized	Not Applicable				

Transportation: Food and Water

Transportation: Care

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Not Applicable	0304 Observation of animals	Not Applicable

General Statute 19A-32.1

(a) Hold minimum 72 hours	Acceptable	(b) 1, 2, 3 Make available for adopt.	Acceptable	(c) Viewing 3 days for 4 hours each	Acceptable
(d) If animal offsite, photo of animal posted in conspicuous location	Acceptable	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	Acceptable	(g) i, ii Owner surrender held unless proof ownership & signed consent	Acceptable
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	Acceptable	(i) Release animal to person, record of approved government photo ID	Acceptable		

Inspection Results

Date of inspection

Disapproved

Feb 18, 2016

Forever Friends Animal Rescue

Steve Poplawski

Old Fort

NC

Narrative Explanation

We performed an annual inspection today. The following inadequacies were noted at time of inspection:

- 1) (0202) Upon walking into the facility the ammonia odor was very strong. The odor continued throughout the facility. proper ventilation is lacking;
- 2) (0202) Paint is chipping on the floors on the walkways and in the individuals rooms;
- 3) (0204) In two of the rooms (#13 & 17) there are 13 cats, maximum amount per room shall be maintained at 12;
- 4) (0207) In all rooms the walls need to be cleaned and sanitized;
- 5) (0207) The floors in the individual rooms had not been cleaned today and has what appeared to be bloody loose stools in 2 of the rooms (#5 & 16). Owner stated that this was where the cats had been vomiting for sometime. The floors overall had not been swept or mopped today;
- 6) (0207) Litter boxes appeared to have not been cleaned or emptied within the last 24 hours. Cleaning should take place twice daily. When asked when cleaning occurred Steve replied that he cleans nightly and only sweeps and feeds in the mornings. He also stated that he did not sweep or clean this morning;
- 7) (0207) Proper ventilation is lacking. All vents need to be cleaned;
- 8) (0210) Throughout the facility there are signs of URI's. There was one room #12 and the back area that Steve stated were being treated with Azithromycin for the URI. He stated that he was treating them per a veterinarian handbook and that the cats have not been vetted currently for this condition. When asked for proof of medical treatment Steve stated that he did not have that information with him and could be faxed to us;
 - a. Colby a white DMH kitten showed signs of URI. Colby came in to the rescue healthy on 6-16-15 and now appears very sick and thin. Steve stated he has been treating for a while but not taken to the vet;
 - b. Trixie -- white & black kitten came in January, being treated now and has gotten progressively worse per Steve. This kitten has not been seen by a vet;
 - c. Tres - White adult, brought in on 5/29/14, altered in 8/13/14 URI was noted from the spay/neuter clinic. This cat is showing signs now also of URI. No vet records after the alteration;

Inspection Results

Date of inspection

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Old Fort

NC

Narrative Explanation

d. Fontina - calico adult cat, spayed on 10-14-15 at that time paperwork was notated that they suggested that owner have eye checked and that it was possibly painful. The eye was lost due to URI that caused conjunctivitis. This was all stated per Steve. Steve stated that he felt it was not painful and that it was not infected. There is drainage and the eye area is red. This cat as of 2-18-16 has not been taken back to have a vet examine the eye cavity or to close the opening.

Overall over 50% of the cat population were showing signs of URI in this facility. I am giving the owner 24 hours to have the following cats evaluated at his veterinarian: Fontina, Colby, Raleigh and Trixie. The vet records must be sent in to our office by 5:00 pm on Friday, February 19, 2016. Husbandry is lacking throughout the facility along with proper ventilation.

We have requested that Steve provide the Raleigh office with medical charts showing where he has medicated the following cats himself: Fontina, Trixie, Colby, Raleigh (black kitten) and Tres.

We will follow up after 30 days.

Steve wanted us to notate that he is no longer taking in cats and that his plans are to close the rescue before July 2017 or sooner.

☐ check here if a euthanasia inspection form is attachedDigital signature
of inspector**Christi
e Shore**

Digitally signed by Christie
Shore
DN: cn=Christie Shore,
o=Animal Welfare, ou=NCDA,
email=Christie.shore@ncagr.gov,
c=US
Date: 2016.02.18 20:11:54
-05'00'

Signature of
Management

I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.